

# Senate Amendment 3059

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1 1 Amend Senate File 390 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 331.210A, subsection 2, Code  
1 5 2003, is amended by adding the following new  
1 6 paragraph:  
1 7 NEW PARAGRAPH. f. (1) Notwithstanding the  
1 8 provisions of this section to the contrary, for a  
1 9 county with a population of one hundred eighty  
1 10 thousand or more that has adopted a charter for a  
1 11 city=county consolidated form of government or a  
1 12 community commonwealth form of government and which  
1 13 charter provides for representation by districts, the  
1 14 legislative service bureau, and not the temporary  
1 15 county redistricting commission, shall draw a first or  
1 16 second plan as necessary and required by paragraph "a"  
1 17 pursuant to a contract executed with the county. The  
1 18 plan drawn by the legislative service bureau shall be  
1 19 based upon the precinct plan adopted for use by the  
1 20 county and shall be drawn in accordance with section  
1 21 42.4, to the extent applicable.  
1 22 (2) The plan drawn by the legislative service  
1 23 bureau shall be submitted to the temporary county  
1 24 redistricting commission which shall not amend the  
1 25 plan and which shall perform the duties required by  
1 26 paragraphs "b" and "c" concerning the plan. The  
1 27 temporary county redistricting commission shall accept  
1 28 the plan in total or it may request and contract to  
1 29 have a second plan prepared by the legislative service  
1 30 bureau. In doing so, the temporary county  
1 31 redistricting commission shall state its objections to  
1 32 the first plan in writing.  
1 33 (3) After the requirements of paragraphs "b" and  
1 34 "c" have been met with respect to either a first or  
1 35 second plan, the plan drawn by the legislative service  
1 36 bureau and accepted by the temporary county  
1 37 redistricting commission shall be submitted to the  
1 38 governing body for its approval or rejection. If the  
1 39 plan drawn by the legislative service bureau and  
1 40 accepted by the temporary county redistricting  
1 41 commission is rejected by the governing body, the  
1 42 governing body may consider and accept the other plan  
1 43 submitted by the legislative service bureau to the  
1 44 temporary county redistricting commission, if any, or  
1 45 shall direct the temporary county redistricting  
1 46 commission to prepare another plan as provided by  
1 47 paragraph "d".  
1 48 Sec. 2. Section 331.231, subsection 5, Code 2003,  
1 49 is amended to read as follows:  
1 50 5. City=county consolidated form as provided in  
2 1 ~~section sections 331.247 through 331.252.~~  
2 2 Sec. 3. Section 331.232, subsection 3, Code 2003,  
2 3 is amended to read as follows:  
2 4 3. An alternative form of county government shall  
2 5 be submitted to the ~~county~~ electorate by the  
2 6 commission in the form of a charter or charter  
2 7 amendment.  
2 8 Sec. 4. Section 331.235, subsection 4, Code 2003,  
2 9 is amended to read as follows:  
2 10 4. The commission is dissolved on the date of the  
2 11 ~~general~~ election at which the proposed charter is  
2 12 submitted to the electorate. However, if a charter  
2 13 proposing the city=county consolidated form or the  
2 14 community commonwealth form is adopted, the commission  
2 15 is dissolved on the date that the terms of office of  
2 16 the members of the governing body for the alternative  
2 17 form of government commence. If a charter is not  
2 18 recommended, the commission is dissolved upon  
2 19 submission of its final report to the board.  
2 20 Sec. 5. Section 331.237, Code 2003, is amended by  
2 21 adding the following new subsection:

2 22 NEW SUBSECTION. 4. Subsections 2 and 3 of this  
2 23 section do not apply to the city=county consolidated  
2 24 form of government or the community commonwealth form  
2 25 of government.  
2 26 Sec. 6. Section 331.238, Code 2003, is amended by  
2 27 adding the following new subsection:  
2 28 NEW SUBSECTION. 4. Subsections 1 and 2 do not  
2 29 apply to the city=county consolidated form of  
2 30 government or the community commonwealth form of  
2 31 government.  
2 32 Sec. 7. Section 331.244, subsection 1, Code 2003,  
2 33 is amended by adding the following new subsection:  
2 34 NEW SUBSECTION. 3. This section does not apply to  
2 35 the city=county consolidated form of government.  
2 36 Sec. 8. Section 331.247, Code 2003, is amended to  
2 37 read as follows:  
2 38 331.247 CITY=COUNTY CONSOLIDATION FORM.  
2 39 1. ~~A county and one or more cities within the~~  
2 40 ~~county may unite to form a single unit of local~~  
2 41 ~~government in accordance with this part. A commission~~  
2 42 ~~appointed pursuant to section 331.233A may propose a~~  
2 43 ~~charter under which a county and one or more cities~~  
2 44 ~~within the county may unite to form a single unit of~~  
2 45 ~~local government, or may propose a charter under which~~  
2 46 ~~a county and one or more cities within the county may~~  
2 47 ~~form a combined governance structure for the county~~  
2 48 ~~and such cities in accordance with this part. The~~  
2 49 ~~charter shall declare whether the form is a merger of~~  
2 50 ~~a county and one or more cities to form a single unit~~  
3 1 ~~of local government or whether the form establishes a~~  
3 2 ~~combined government structure of a county and one or~~  
3 3 ~~more cities. Either option proposed shall be referred~~  
3 4 ~~to as a city=county consolidated form of government.~~  
3 5 If more than fifty percent of the population of a city  
3 6 resides within the affected county, it is a city  
3 7 within the county for the purposes of this section and  
3 8 may continue its status as a city within the county  
3 9 even if the population of such city falls below the  
3 10 fifty percent threshold in a future census.  
3 11 2. ~~An alternative form of government, including a~~  
3 12 ~~charter form, for a consolidated unit of government~~  
3 13 ~~may be submitted to the voters only by a commission~~  
3 14 ~~established under this chapter. A majority vote by~~  
3 15 ~~the charter commission is required for the submission~~  
3 16 ~~to the electorate of an alternative form of government~~  
3 17 ~~for a consolidated unit of local government proposed~~  
3 18 ~~charter for a city=county consolidated form of~~  
3 19 ~~government. The charter commission submitting a~~  
3 20 ~~consolidated form shall issue a final report and~~  
3 21 ~~proposal.~~  
3 22 3. ~~An alternative form of government for a A city=~~  
3 23 ~~county consolidated unit of local government form of~~  
3 24 ~~government does not need to include more than one~~  
3 25 ~~city. A city shall not be included unless the city~~  
3 26 ~~participates in the commission process, and a majority~~  
3 27 ~~of the electors of the affected city voting approves~~  
3 28 ~~the proposed charter for the consolidated government.~~  
3 29 4. If an alternative form of government for a  
3 30 consolidated unit of local government is proposed,  
3 31 approval of the consolidation charter shall be a  
3 32 separate ballot issue from approval of the alternative  
3 33 form of government in those cities proposed to be  
3 34 included in the consolidation. Adoption of the  
3 35 consolidation charter requires the approval of a  
3 36 majority of the votes cast in the entire county. A  
3 37 city named on the ballot is included in the  
3 38 consolidation if the proposed charter is approved by a  
3 39 majority of the votes cast in the city. The  
3 40 consolidation charter shall be effective in regard to  
3 41 a city government only if a majority of the voters of  
3 42 the city voting on the question voted for  
3 43 participation in the consolidation charter.  
3 44 5. A city may request to join an existing city=  
3 45 county consolidated government by resolution of the  
3 46 city council or upon petition of eligible electors of  
3 47 the city equal in number to at least twenty=five  
3 48 percent of the persons who voted at the last general  
3 49 election for the office of governor or president of  
3 50 the United States, whichever is fewer regular city  
4 1 election. Within fifteen days after receiving a valid  
4 2 petition, the city council of the petitioning city

4 3 shall adopt a resolution in favor of participation and  
4 4 shall ~~immediately, within ten days of adoption,~~  
4 5 forward the resolution to the ~~legislative governing~~  
4 6 body of the city=county consolidated government. If a  
4 7 majority of the ~~city=county consolidated legislative~~  
4 8 ~~governing body of the city=county consolidated~~  
4 9 ~~government~~ approves the resolution, the question of  
4 10 joining the city=county consolidated government shall  
4 11 be submitted to the electorate of the petitioning city  
4 12 within sixty days after approval of the resolution.  
4 13 6. a. If a charter is adopted, it may be amended  
4 14 at any time by one of the following methods:  
4 15 (1) The governing body of the city=county  
4 16 consolidated form of government, by resolution, may  
4 17 submit a proposed amendment to the voters at a general  
4 18 election or at a special election, and the proposed  
4 19 amendment becomes effective upon approval by a  
4 20 majority of those voting.  
4 21 (2) The governing body of the city=county  
4 22 consolidated form of government, by ordinance, may  
4 23 amend the charter. However, within thirty days  
4 24 following publication of the ordinance, if a petition  
4 25 valid under the provisions of section 331.306 is filed  
4 26 with the governing body of the city=county  
4 27 consolidated form of government, the governing body  
4 28 must submit the charter amendment to the voters at a  
4 29 special election and, in such an event, the amendment  
4 30 becomes effective only upon approval of a majority of  
4 31 those voting within the city=county consolidated area.  
4 32 (3) If a petition valid under the provisions of  
4 33 section 331.306 filed with the governing body of the  
4 34 city=county consolidated form of government, proposing  
4 35 an amendment to the charter, the governing body must  
4 36 submit the proposed amendment to the voters at a  
4 37 general election or at a special election and, in such  
4 38 an event, the amendment becomes effective only upon  
4 39 approval of a majority of those voting within the  
4 40 city=county consolidated area.  
4 41 b. If an election is held, the governing body  
4 42 shall submit the question of amending the charter to  
4 43 the electors in substantially the following form:  
4 44 Should the amendment described below be adopted for  
4 45 the city=county consolidated charter of (insert name  
4 46 of county and of each consolidated city)?  
4 47 The ballot must contain a brief description and  
4 48 summary of the proposed amendment.  
4 49 c. An amendment shall not adopt an alternative  
4 50 form of county government but an amendment may allow  
5 1 the governing body of a city=county consolidated form  
5 2 of government that has a combined governance structure  
5 3 to adopt a city=county consolidated form of government  
5 4 under which a county and one or more cities within the  
5 5 county unite to form a single unit of local  
5 6 government.  
5 7 Sec. 9. Section 331.248, subsection 1, Code 2003,  
5 8 is amended to read as follows:  
5 9 1. The charter commission proposing ~~consolidation~~  
5 10 ~~a city=county consolidated form of government~~ shall  
5 11 prepare, adopt, and ~~submit~~ ~~cause to be submitted to~~  
5 12 the voters ~~a consolidation~~ the charter ~~including an~~  
5 13 ~~alternative form of government.~~  
5 14 Sec. 10. Section 331.248, subsection 2, Code 2003,  
5 15 is amended to read as follows:  
5 16 2. The ~~consolidation~~ charter for a city=county  
5 17 ~~consolidated form of government~~ shall:  
5 18 a. Provide for adjustment of existing bonded  
5 19 indebtedness and other obligations in a manner which  
5 20 will provide for a fair and equitable burden of  
5 21 taxation for debt service.  
5 22 b. Provide for establishment of service areas,  
5 23 except that formation of a city=county ~~consolidation~~  
5 24 ~~government consolidated form of government~~ shall not  
5 25 affect the assignment of electric utility service  
5 26 territories pursuant to chapter 476, and shall not  
5 27 affect the rights of a city to grant a franchise under  
5 28 chapter 364.  
5 29 c. Provide for the transfer or other disposition  
5 30 of property and other rights, claims, assets, and  
5 31 franchises of ~~local governments~~ the county and each  
5 32 city consolidated under the alternative form.  
5 33 d. Provide the official name of the ~~city=county~~

5 34 consolidated ~~unit of local government form of~~  
5 35 ~~government.~~  
5 36 e. Provide for the transfer, reorganization,  
5 37 abolition, absorption, and adjustment of boundaries of  
5 38 all existing boards, bureaus, commissions, agencies,  
5 39 special districts, and political subdivisions of the  
5 40 city=county consolidated form of government.  
5 41 f. ~~Include other provisions which the county~~  
5 42 ~~charter commission and the city charter commission~~  
5 43 ~~elect to include and which are not inconsistent with~~  
5 44 ~~state law. Provide for the exercise of home rule~~  
5 45 ~~power and authority not inconsistent with state law.~~  
5 46 g. Provide for a governing body of an odd number  
5 47 of members, not less than five, but which may exceed  
5 48 the number of members specified in sections 331.201,  
5 49 331.203, and 331.204. The titles of the members of  
5 50 the governing body shall be determined by the charter.  
6 1 h. Provide for a representation plan for the  
6 2 governing body which representation plan may differ  
6 3 from the representation plans provided in section  
6 4 331.206 and in chapter 372. If the plan calls for  
6 5 representation by districts and the charter has been  
6 6 approved in a county whose population is one hundred  
6 7 eighty thousand or more, the plan shall be drawn  
6 8 pursuant to section 331.210A, subsection 2, paragraph  
6 9 "f". The initial representation plan for such a  
6 10 county shall be drawn as provided in section 331.210A,  
6 11 subsection 2, paragraph "f", within ninety days after  
6 12 the election at which the charter is approved. For  
6 13 the initial representation plan, the charter  
6 14 commission shall assume the role of the governing body  
6 15 for purposes of this paragraph and section 331.210A,  
6 16 subsection 2, paragraphs "d" through "f".  
6 17 i. Provide for the initial compensation for  
6 18 members of the governing body and for a method of  
6 19 changing the compensation.  
6 20 Sec. 11. Section 331.248, Code 2003, is amended by  
6 21 adding the following new subsection:  
6 22 NEW SUBSECTION. 4. The consolidation charter may  
6 23 include other provisions which the commission elects  
6 24 to include and which are not irreconcilable with state  
6 25 law. These provisions may include but are not limited  
6 26 to the following:  
6 27 a. Provide for a method of selecting officers of  
6 28 the governing body and fixing their terms of office  
6 29 which may differ from the requirements of sections  
6 30 331.208 through 331.211 and the provisions of chapter  
6 31 372.  
6 32 b. Provide for meetings of the governing body and  
6 33 rules of procedure which may differ from the  
6 34 requirements of section 331.213, except that the  
6 35 meetings shall be scheduled and conducted in  
6 36 compliance with chapter 21.  
6 37 c. Provide for combining the duties of elected  
6 38 officials of the county, for eliminating elected  
6 39 offices and the assumption of the duties of those  
6 40 offices by appointed officials, and for adding to,  
6 41 deleting, or otherwise changing the duties of  
6 42 officials, elected or otherwise, of the county and  
6 43 each consolidated city.  
6 44 d. Provide for the organization of city and county  
6 45 departments, agencies, or boards. The organization  
6 46 plan may provide for the abolition or consolidation of  
6 47 a department, agency, board, or commission and the  
6 48 assumption of its powers and duties by the governing  
6 49 body or by another department, agency, board, or  
6 50 commission. This paragraph does not apply to the  
7 1 board of trustees of a county hospital.  
7 2 e. Provide for a method for the governing body or  
7 3 another office to exercise the powers and duties of  
7 4 the township trustees, in lieu of their election or  
7 5 appointment.  
7 6 Sec. 12. Section 331.249, Code 2003, is amended to  
7 7 read as follows:  
7 8 331.249 EFFECT OF CONSOLIDATION.  
7 9 1. a. ~~The consolidation of one or more cities and~~  
7 10 ~~one or more counties shall create a unified government~~  
7 11 ~~which includes a municipal corporation and a county.~~  
7 12 A city=county consolidated form of government under  
7 13 which a county and one or more cities within the  
7 14 county unite to form a single unit of local government

7 15 shall create a unified government which includes a  
7 16 municipal corporation and a county. The consolidated  
7 17 unit shall have the separate status of a county and a  
7 18 city for all purposes and shall constitute two  
7 19 political subdivisions, a consolidated city and a  
7 20 county, under combined governance. The consolidated  
7 21 unit shall retain one separate constitutional debt  
7 22 limitation with respect to its status as a city and a  
7 23 separate constitutional debt limitation with respect  
7 24 to its status as a county.  
7 25 b. The governing body of a city=county  
7 26 consolidated form of government under which a county  
7 27 and one or more cities within the county form a  
7 28 combined governance structure shall have, with respect  
7 29 to the county, the power and authority of the board of  
7 30 supervisors of a county, and, with respect to each  
7 31 city, the power and authority of the city council of a  
7 32 city. Each consolidated city and the county  
7 33 constitute separate political subdivisions. Each  
7 34 consolidated city and the county shall retain a  
7 35 separate constitutional debt limitation and shall each  
7 36 have the authority to issue bonds and incur financial  
7 37 obligations in accordance with the provisions of state  
7 38 law applicable to a city or a county, respectively.  
7 39 2. A The city=county consolidated unit of local  
7 40 government form of government may include an area  
7 41 which is located in another county, but which is  
7 42 within the corporate boundaries of one of the  
7 43 consolidated cities. County services ~~shall~~ may be  
7 44 provided in the extra=county area and taxes to fund  
7 45 those services ~~shall~~ may be collected in the extra=  
7 46 county area by the consolidated government, to the  
7 47 extent permitted by the Constitution of the State of  
7 48 Iowa. In addition to the right to vote in the county  
7 49 of residence, electors residing in the extra=county  
7 50 area shall have the right to vote on any matter  
8 1 related to the city=county consolidated unit of local  
8 2 form of government, including election of its  
8 3 officials governing body.  
8 4 If a city=county consolidation charter is proposed,  
8 5 within ninety days following the final report of the  
8 6 commission, a resident or property owner of the  
8 7 commission area proposed to be consolidated may bring  
8 8 an action in district court for declaratory judgment  
8 9 to determine the legality of the proposed charter and  
8 10 to otherwise declare the effect of the charter. The  
8 11 referendum on the proposed charter shall be stayed  
8 12 during pendency of the action and for such additional  
8 13 time during which the proposed charter or its enabling  
8 14 legislation does not conform to the Constitution or  
8 15 laws of the State of Iowa. If in its final judgment  
8 16 the court determines that the proposed charter fails  
8 17 to conform to the Constitution or laws of this state,  
8 18 the commission shall have a period of six months in  
8 19 which to revise and resubmit the proposed charter.  
8 20 3. All provisions of law authorizing contributions  
8 21 of any kind, in money or otherwise, from the state or  
8 22 federal government to counties and cities shall remain  
8 23 in full force with respect to each city and the county  
8 24 comprising a city=county consolidated local form of  
8 25 government.  
8 26 4. The adoption of the city=county consolidated  
8 27 form of government does not alter any right or  
8 28 liability of the county or consolidated city in effect  
8 29 at the time of the election at which the charter was  
8 30 adopted.  
8 31 5. All departments and agencies of the county and  
8 32 of each consolidated city shall continue to operate  
8 33 until their authority to operate is superseded by  
8 34 action of the governing body.  
8 35 6. Upon the effective date of the adopted charter,  
8 36 the county shall adopt the city=county consolidated  
8 37 form of government by ordinance, and shall file a copy  
8 38 with the secretary of state and maintain available  
8 39 copies for public inspection.  
8 40 7. Members of the governing body of the county and  
8 41 of each consolidated city shall continue in office  
8 42 until the members of the governing body of the city=  
8 43 county consolidated form of government have been  
8 44 elected and sworn into office, at which time the  
8 45 offices of the former governing bodies shall be

~~8 46 abolished, and the terms of the members of the former~~  
~~8 47 governing bodies shall be terminated. During the~~  
~~8 48 period between the effective date of the charter and~~  
~~8 49 the election and qualification of the elected members~~  
~~8 50 of the new governing body, the former governing bodies~~  
~~9 1 of each consolidated city and of the county shall~~  
~~9 2 continue to perform their duties and shall assist in~~  
~~9 3 planning the transition to the city=county~~  
~~9 4 consolidated form of government.~~  
~~9 5 8. If a city=county consolidation charter is~~  
~~9 6 submitted to the electorate but is not adopted,~~  
~~9 7 another charter shall not be submitted to the~~  
~~9 8 electorate for at least two years from the date of the~~  
~~9 9 election at which the charter was rejected. If a~~  
~~9 10 city=county consolidation charter is adopted, a~~  
~~9 11 proposed charter for another alternative form of~~  
~~9 12 county government shall not be submitted to the~~  
~~9 13 electorate for at least six years from the date of the~~  
~~9 14 election at which the charter was adopted.~~  
9 15 Sec. 13. Section 331.250, Code 2003, is amended to  
9 16 read as follows:  
9 17 331.250 GENERAL POWERS OF CONSOLIDATED LOCAL  
9 18 GOVERNMENTS.  
9 19 The consolidation charter shall provide for the  
9 20 delivery of services to specified areas of the  
9 21 ~~consolidated local government county and of each~~  
9 22 ~~consolidated city.~~ The governing body of the  
9 23 consolidated government shall ~~administer~~ supervise the  
9 24 administration of the provision of services in each of  
9 25 the designated service areas and shall have the  
9 26 authority to determine the boundaries of the service  
9 27 areas. For each service provided by the consolidated  
9 28 government, the consolidated government shall assume  
9 29 the same statutory rights, powers, and duties relating  
9 30 to the provision of the service as if the county or  
9 31 the member city were itself providing the service to  
9 32 its citizens.  
9 33 Sec. 14. Section 331.251, Code 2003, is amended to  
9 34 read as follows:  
9 35 331.251 RULES, ORDINANCES, AND RESOLUTIONS OF  
9 36 CONSOLIDATED ~~UNIT~~ GOVERNMENT.  
9 37 ~~Within two years after ratification of the~~  
9 38 ~~consolidation, the governing body of the consolidated~~  
9 39 ~~unit of local government shall revise, repeal, or~~  
9 40 ~~reaffirm all rules, ordinances, and resolutions in~~  
9 41 ~~force within the participating county and cities at~~  
9 42 ~~the time of consolidation. Each rule, ordinance, or~~  
9 43 ~~resolution in force within a county or within a city~~  
9 44 ~~at the time of consolidation shall remain in force~~  
9 45 ~~within the former geographic jurisdiction that county~~  
9 46 ~~or within that city until superseded by action of the~~  
9 47 ~~new governing body, unless the rule, ordinance, or~~  
9 48 ~~resolution is in conflict with a provision of the~~  
9 49 ~~charter, in which case, the charter provision shall~~  
9 50 ~~supersede the conflicting rule, ordinance, or~~  
10 1 resolution. Ordinances and resolutions relating to  
10 2 public improvements to be paid for in whole or in part  
10 3 by special assessments shall remain in effect until  
10 4 paid in full.  
10 5 Sec. 15. Section 331.252, Code 2003, is amended to  
10 6 read as follows:  
10 7 331.252 FORM OF BALLOT == CITY=COUNTY  
10 8 CONSOLIDATION.  
10 9 The question of city=county consolidation shall be  
10 10 submitted to the electors in substantially the  
10 11 following form:  
10 12 Should the ~~corporate existence and governments of~~  
10 13 ~~the county of ..... and the cities of ..... and~~  
10 14 ~~..... be consolidated into one joint city=county~~  
10 15 ~~corporation government charter described below be~~  
10 16 ~~adopted for (insert name of county and each city~~  
10 17 ~~proposing to consolidate)?~~  
10 18 ~~If section 331.247, subsection 4, applies, the~~  
10 19 ~~following question shall be placed on the ballot of~~  
10 20 ~~each participating city:~~  
10 21 ~~Should the (name of city or second county)~~  
10 22 ~~participate in the consolidation charter?~~  
10 23 The ballot must contain a brief description and  
10 24 summary of the proposed charter ~~or amendment.~~  
10 25 Sec. 16. Section 331.260, subsection 2, Code 2003,  
10 26 is amended to read as follows:

10 27 2. A charter proposing a community commonwealth as  
10 28 an alternative form of government may be submitted to  
10 29 the voters only by a commission established under  
10 30 section 331.232. A majority vote by the commission is  
10 31 required for the submission of a charter proposing a  
10 32 community commonwealth as an alternative form of local  
10 33 government. The commission submitting a community  
10 34 commonwealth form of government shall issue a final  
10 35 report and proposal. ~~If an alternative form of~~  
~~10 36 government for a community commonwealth form of local~~  
~~10 37 government is proposed, approval of the commonwealth~~  
~~10 38 charter shall be a separate ballot issue from approval~~  
~~10 39 of the alternative form of government in those cities~~  
~~10 40 proposed to be included in the commonwealth. The~~  
~~10 41 commonwealth charter shall be effective in regard to a~~  
~~10 42 city government only if a majority of the voters of~~  
~~10 43 the city voting on the question voted for~~  
~~10 44 participation in the commonwealth charter. Adoption~~  
~~10 45 of the proposed community commonwealth charter~~  
~~10 46 requires the approval of a majority of the votes cast~~  
~~10 47 in the entire county. A city named on the ballot is~~  
~~10 48 included in the community commonwealth if the proposed~~  
~~10 49 community commonwealth charter is approved by a~~  
10 50 majority of the votes cast in the city.

11 1 The question of forming a community commonwealth  
11 2 shall be submitted to the electorate in substantially  
11 3 the same ~~form~~ manner as provided in section 331.247,  
11 4 subsection 4, and section 331.252.

11 5 Sec. 17. Section 331.261, subsection 2, Code 2003,  
11 6 is amended to read as follows:

11 7 2. An elective legislative body established in the  
11 8 manner provided for county boards of supervisors under  
11 9 sections 331.201 through 331.216 and section ~~331.238~~  
11 10 331.248, subsection 2.

11 11 Sec. 18. Section 331.261, unnumbered paragraph 2,  
11 12 Code 2003, is amended to read as follows:

11 13 The community commonwealth charter may include  
11 14 other provisions which the commission elects to  
11 15 include and which are not inconsistent irreconcilable  
11 16 with state law, including, but not limited to, those  
11 17 provisions in section 331.248, subsection 4.

11 18 Sec. 19. Section 331.262, Code 2003, is amended by  
11 19 adding the following new subsections:

11 20 NEW SUBSECTION. 1A. The adoption of the community  
11 21 commonwealth form of government does not alter any  
11 22 right or liability of the county or member city in  
11 23 effect at the time of the election at which the  
11 24 charter was adopted.

11 25 NEW SUBSECTION. 1B. All departments and agencies  
11 26 of the county and of each member city shall continue  
11 27 to operate until their authority to operate is  
11 28 superseded by action of the governing body.

11 29 NEW SUBSECTION. 1C. All ordinances or resolutions  
11 30 in effect remain effective until amended or repealed,  
11 31 unless they are irreconcilable with the adopted  
11 32 charter.

11 33 NEW SUBSECTION. 1D. Upon the effective date of  
11 34 the adopted charter, the county shall adopt the  
11 35 community commonwealth form of government by  
11 36 ordinance, and shall file a copy with the secretary of  
11 37 state and maintain available copies for public  
11 38 inspection.

11 39 NEW SUBSECTION. 1E. Members of the governing body  
11 40 of the county and of each member city shall continue  
11 41 in office until the members of the governing body of  
11 42 the community commonwealth form of government have  
11 43 been elected and sworn into office, at which time the  
11 44 offices of the former governing bodies shall be  
11 45 abolished, and the terms of the members of the former  
11 46 governing bodies shall be terminated. During the  
11 47 period between the effective date of the charter and  
11 48 the election and qualification of the elected members  
11 49 of the new governing body, the former governing bodies  
11 50 of each member city and of the county shall continue  
12 1 to perform their duties and shall assist in planning  
12 2 the transition to the community commonwealth form of  
12 3 government.

12 4 NEW SUBSECTION. 1F. If a community commonwealth  
12 5 charter is submitted to the electorate but is not  
12 6 adopted, another charter shall not be submitted to the  
12 7 electorate for at least two years from the date of the

12 8 election at which the charter was rejected. If a  
12 9 community commonwealth charter is adopted, a proposed  
12 10 charter for another alternative form of county  
12 11 government shall not be submitted to the electorate  
12 12 for at least six years from the date of the election  
12 13 at which the charter was adopted.  
12 14 Sec. 20. Section 372.1, Code 2003, is amended by  
12 15 adding the following new subsections:  
12 16 NEW SUBSECTION. 7. City=county consolidated form  
12 17 as provided in sections 331.247 through 331.252.  
12 18 NEW SUBSECTION. 8. Community commonwealth as  
12 19 provided in sections 331.260 through 331.263.  
12 20 Sec. 21. Section 372.2, unnumbered paragraph 1,  
12 21 Code 2003, is amended to read as follows:  
12 22 A Unless otherwise provided by law, a city may  
12 23 adopt a different form of government not more often  
12 24 than once in a six=year period. A different form,  
12 25 other than a home rule charter, ~~or~~ special charter,  
12 26 city=county consolidated form of government, or  
12 27 community commonwealth must be adopted as follows:  
12 28 Sec. 22. EFFECTIVE AND APPLICABILITY DATES. This  
12 29 Act, being deemed of immediate importance, takes  
12 30 effect upon enactment and applies to charter  
12 31 commissions in existence on the effective date of this  
12 32 Act.>  
12 33 #2. Title page, by striking lines 9 and 10, and  
12 34 inserting the following: <government and a community  
12 35 commonwealth, and including>.  
12 36  
12 37  
12 38  
12 39 DICK L. DEARDEN  
12 40  
12 41  
12 42  
12 43 JACK HATCH  
12 44  
12 45  
12 46  
12 47 JACK HOLVECK  
12 48  
12 49  
12 50  
13 1 WALLY E. HORN  
13 2 SF 390.306 80  
13 3 sc/cf